

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 2:02-CR-23
)	
JOSALYN M. DUCKWORTH)	

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's motion for resentencing pursuant to the retroactive amendment to the crack sentencing guidelines [doc. 152] The government has responded [doc. 155], and defers to the court's discretion as to whether a reduction in the defendant's sentence would be appropriate. The court also has received a modified presentence report from the United States Probation Office.

The defendant was sentenced on February 15, 2005, to 151 months in prison for conspiracy to distribute and to possess with the intent to distribute fifty grams or more of crack cocaine. This sentence was based on a guideline range of 151 to 188 months (base offense level 31 and a criminal history category IV), which later was reduced to 120 months based on the government's Rule 35 motion for a downward departure due to substantial assistance. According to the

Bureau of Prisons, the defendant is scheduled for release on February 13, 2012.

Under the retroactive amendment to the crack guidelines, the defendant's new guideline range is 121 to 151 months (base offense level 29 and a criminal history category IV). With a comparable departure (20%), the defendant's sentence would be 96 months.

Neither the government nor the probation office have advised the court of any reasons not to grant the defendant's motion. Therefore, it is hereby **ORDERED** that the defendant's motion for a reduction in her sentence based on the retroactive amendment to the crack guidelines is **GRANTED**, and the defendant's sentence is reduced to **96 months**. If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. This Order shall take effect ten (10) days (day-for-day) from its entry in order to give the Bureau of Prisons time to process the release of the defendant. Except as provided above, all provisions of the judgment dated February 22, 2005, shall remain in effect.

ENTER:

s/ Leon Jordan
United States District Judge